

80/568601

PATENT

IAP20 Rec'd PCTATO 14 FEB 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: KLAPPROTH

In re Application of:	)
PETER KLAPPROTH et al.	)
Int. Appl. No.: PCT/DE2004/001970	)
Int. Filing Date: September 3, 2004	)
For: DEVICE FOR MUSCLE STIMULATION	)

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Express Mail mailing label number: EV 848370069 US

Date of Deposit: February 14, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450".

ANTONELLA FUSILLO

[Name of person mailing paper or fee]



[Signature]

SIR:

In accordance with 37 C.F.R. 1.56, applicant wishes to call the attention of attention of the Examiner to the references listed on enclosed form PTO-1449 which were cited in the instant specification and in the International Search Report issued by the European Patent Office with regard to the corresponding International patent application No. PCT/DE2004/001970, respectively. Applicant does not admit that any of the cited documents constitutes prior art against the pending application.

Copies of these references are submitted herewith along with form PTO-1449. The Examiner is requested to initial the attached form PTO-1449 and to return a copy of the initialed document to the undersigned as an indication that the attached references have been considered and made of record.

- This Information Disclosure Statement is filed within three months of the filing date of a national application other than a continued prosecution application under 1.53(d), so that no fee under 37 C.F.R. §1.97 is due.
- This Information Disclosure Statement is filed within three months of the date of entry of the national stage as set forth in 1.491 in an international application, so that no fee under 37 C.F.R. §1.97 is due.
- This Information Disclosure Statement is filed before the mailing of a first Office Action on the merits, so that no fee under 37 C.F.R. §1.97 is due.
- This Information Disclosure Statement is filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114, so that no fee under 37 C.F.R. §1.97 is due.
- This Information Disclosure Statement is filed after the issuance of a first office but before issuance of a final action under §1.113, or a notice of allowance under §1.311.
- This Information Disclosure Statement is submitted after the mailing of a final action or a notice of allowance, but before payment of the issue fee.
- The undersigned submits the following statement requesting consideration of this statement:  

The undersigned hereby states:

  - That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;
  - That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart

foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

- The fee of \$180.00 set forth in 1.17(p).
- The Commissioner is hereby authorized to charge the fee as set forth in 1.17(p), and any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.
- The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

In order to satisfy the requirement under 37 C.F.R. §1.98(a)(3) for a concise explanation of the relevance of each item of information, applicant herewith submits a copy of the International Search Report. In addition, applicant notes with respect to any information that is not in English language as follows:

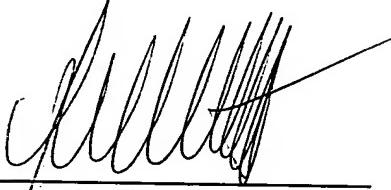
German Offenlegungsschrift DE 101 52 741 A1 describes a heart therapy device, in particular implantable defibrillator, heart pacemaker or combined heart pacemaker, including an evaluation and control means for evaluating a measured heart rate. The evaluation and control means has a three-area memory for storing a first, second and third value range of reference heart rates adjacent to one another with ascending heart rate values, a heart rate discriminator for allocating a measured heart rate to the first, second or third value range, and a stability evaluation means for evaluating the heart rate stability over a predetermined period of time upon detection of a heart rate lying within the second value range.

The above-identified application discloses and claims an invention patentable over this prior art.

Entry of the references above set forth into the file of the above application is believed to be in order and is respectfully requested.

JAP20 Rec'd FEB 14 FEB 2006  
Respectfully submitted

By:

  
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